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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

AGORA, INC.,

Plaintiff,

v.

**BO RINALDI and INTERNATIONAL
LIVING,**

Defendants.

CV '11 No 921 NO -

**COMPLAINT FOR TRADEMARK
INFRINGEMENT**

By Agora, Inc.

PARTIES

1. Agora is a Maryland corporation with its principal office and place of business at 14 W. Mt. Vernon Place, Baltimore, MD 21201.
2. Defendant Bo Rinaldi ("Rinaldi") is an individual who is the principal of Defendant International Living. Rinaldi regularly conducts the business of publishing an online newsletter entitled "International Living" at 333 S. State St. V118, Lake Oswego, OR 97034.
3. Upon information and belief, Defendant International Living is an entity of unknown origin with its principal place of business at 333 S. State St. V118, Lake Oswego, OR

1- **COMPLAINT FOR TRADEMARK
INFRINGEMENT**

78158-0001/LEGAL21450281.1

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97034. International Living is in the business of publishing an online newsletter entitled "International Living."

JURISDICTION AND VENUE

4. This is an action for trademark infringement and unfair competition, brought under 15 U.S.C. §§ 1116 and 1125.

5. Jurisdiction is based on 28 U.S.C. 1331 and 1332 because the matter in controversy involves a federal question, a question of trademark law, and on 28 U.S.C. 1332 because the parties are citizens of different States and the amount in controversy exceeds the sum or value of \$75,000.

6. Venue is proper in this District as both Defendants regularly conduct business address at 333 S. State St. V118, Lake Oswego, OR 97034.

BACKGROUND

7. Agora restates and incorporates by reference as if fully set forth the allegations of paragraphs 1 through 6, inclusive.

8. Agora is one of the largest consumer newsletter publishers in the world. It began its operations in 1979 as the publisher of International Living, a monthly print magazine devoted to travel, news, investment, and retirement. During the ensuing thirty-plus years, International Living has expanded to include a web presence at www.internationalliving.com, how-to resources, and newsletters. Today, Agora's International Living has over 100,000 subscribers and innumerable users of its free services.

9. On January 16, 1996, Agora obtained a registration in the United States Patent and Trademark Office ("USPTO") of its trademark INTERNATIONAL LIVING, U.S. Reg. No. 1,948,094, for use in connection with a "newsletter featuring travel, international lifestyle, investment and retirement opportunities." The registration is based on first use of

INTERNATIONAL LIVING on May 1, 1981. The registration was canceled by the USPTO for failure to file a timely renewal.

10. On August 7, 2007, Agora obtained a registration in the USPTO of its trademark INTERNATIONAL LIVING, U.S. Reg. No. 3,274,082, for use in connection with a “newsletter featuring travel, international lifestyle, investment and retirement opportunities” (“Registration”). The Registration is based on first use of INTERNATIONAL LIVING on May 1, 1981, and is currently maintained and valid. A copy of the Registration is attached hereto and made a part hereof as Exhibit A.

11. On May 1, 1998, International Living Publishing Ltd., a subsidiary of Agora, registered the domain name <internationalliving.com> for use in connection with Agora’s INTERNATIONAL LIVING online publications.

12. On November 18, 2010, Defendant Rinaldi registered the Internet domain name internationalliving.co. The “.co” top level domain is a country code for Colombia, South America.

13. Rinaldi’s use of the “.co” top level domain demonstrates Rinaldi’s bad faith attempt to lure consumers to its <internationalliving.co> web site by confusing them with Agora’s <internationalliving.com> web address.

14. Upon information and belief, Defendants International Living and Rinaldi (hereinafter collectively referred to as “Rinaldi”) began publication of an online newsletter known as “International Living” on or about November 30, 2010.

15. Rinaldi’s “International Living” web site provides articles and information concerning international real estate, global finance, and news headlines. The site also provides advertisements, information, and links to travel and real estate investment opportunities.

16. Agora has maintained consistent use in interstate commerce of its INTERNATIONAL LIVING mark for more than thirty (30) years. It has invested significant resources into building the INTERNATIONAL LIVING brand for its print and online

newsletter, magazine, and related publications, and it is entitled to benefit from the recognition and goodwill associated with the exclusive use of the mark.

17. In or about March 2011, Agora sent correspondence by email to Rinaldi requesting that Rinaldi cease and desist from all use of INTERNATIONAL LIVING in connection with print and online newsletters, magazines, and related publications. Rinaldi failed to respond to this correspondence.

18. On or about July 12, 2011, Agora sent a cease and desist letter to Rinaldi via Federal Express. The letter was accepted with signature by Rinaldi, but there has been no response or action taken by Rinaldi in response to the letter.

19. Agora has filed a Complaint against Rinaldi in the World Intellectual Property Office under the Uniform Domain Name Dispute Resolution Policy ("UDRP") to recover the <internationalliving.co> domain name.

COUNT I

(Trademark Infringement)

20. Agora restates and incorporates by reference as if fully set forth the allegations of paragraphs 1 through 19, inclusive.

21. Rinaldi is marketing and selling its online newsletter and providing related advertising under the name INTERNATIONAL LIVING. Rinaldi's newsletter is identical to or highly related to the goods and services provided by Agora.

22. Rinaldi markets its goods in the same channels of trade and to the same consumers as does Agora. Consumers who use the Internet to view and subscribe to information sources for international real estate, travel, investment and retirement are likely to view the sites at <internationalliving.com> and <internationalliving.co>.

23. Rinaldi's use of INTERNATIONAL LIVING for its online newsletter is likely to cause consumer confusion as to the source of its goods and services.

24. Rinaldi's use of INTERNATIONAL LIVING infringes on Agora's right to exclusive use of the identical mark in connection with online newsletters, in violation of 15 U.S.C. § 1125.

WHEREFORE, Agora prays that this Court enter an order granting the following relief:

A. A preliminary and permanent injunction against Rinaldi's use of the mark INTERNATIONAL LIVING and the domain name <internationalliving.co> in connection with print and online newsletters, magazines, and related advertising and information sources;

B. An award of damages against Rinaldi for trademark infringement in the amount of the revenues received by Rinaldi or its licensee(s) for advertising on and subscriptions to its "International Living" publications or web site;

C. An award of reasonable attorneys' fees and costs for this action and the UDRP action against Rinaldi;

D. Such other and further relief as this Court deems just and proper.

DATED: August 3, 2011

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